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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,546	04/27/2001	Tadashi Hayashi	USP 11	9392

7590 08/30/2002
Joseph J Zito
26005 Ridge Road Suite 203
Damascus, MD 20872

EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,546

Applicant(s)

HAYASHI, TADASHI

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 28, lines 6 and 7 – excited – should have been used in place of "encouraged".

Claim Objections

5. Claim 3 is objected to because of the following informalities: claim 3, line 5, delete "that". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Statements in the specification in the following pages violate the first law of thermodynamics: Page 15, lines 3-15; page 21 line 12 to page 22 line 2; and page 25, lines 11-15. The first law of thermodynamics is also known as the principle of conservation of energy, which states "the internal energy of an isolated system remains constant." See Sears et al.,

University Physics, sixth edition, pages 349-350. As a result, the output power can never be more than the input power as the applicant discloses.

8. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

See discussion above concerning pages 15, 21, and 25.

Claims 1-7 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Obidniak.

Regarding claim 1, Obidniak shows a magnetic force rotating apparatus (Figure 2) comprising:

- A rotatable rotary body (1);
- A permanent magnet apparatus in which a plurality of permanent magnets (2) are arranged so as to direct one magnetic pole (Figures 8a and 8b) among mutually corresponding poles to a rotational direction (left to right, Figure 3)

and another magnetic pole to an inverse rotational direction at a substantially uniform interval in a circumferential direction, said permanent magnet apparatus being provided along a circumference in an outer peripheral portion of said rotary body;

- Electromagnet means (3, 4) having two different magnetic poles (Figures 4, 8a and 8b) so as to generate two different magnetic fields and provided so as to simultaneously apply a rotational energy in one direction in opposite to the magnetic field from said magnet apparatus; and
- A control unit (Figure 2) intermittently exciting the electromagnet means.

Regarding claim 3, it is noted that Obidniak also shows said permanent magnet apparatus being structured such that a plurality of permanent magnets (2) are arranged at a substantially uniform interval in a circumferential direction so that one magnetic pole (N) among the mutually corresponding magnetic poles is positioned in one side surface portion of said rotary body so as to be directed to a rotational direction and another magnetic pole (S) is positioned in another side surface portion of said rotary body so as to be directed to an inverse rotational direction, and said electromagnet means is provided so as to be opposed to the magnetic field output from said magnet apparatus.

Regarding claim 4, it is noted that Obidniak also shows said electromagnet means (5, 6) being opposed to the respective magnetic fields output from one and another magnetic poles of said magnet apparatus, and two sets of said electromagnet means (left and right, Figure 2) are provided so as to form a pair.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obidniak in view of Minato (5,594,289).

Regarding claim 2, Obidniak shows all of the limitations of the claimed invention except for a balancer provided in said rotary body so as to keep a balance with said permanent magnet apparatus.

Minato shows a balancer (20a) provided in said rotary body so as to keep a balance with said permanent magnet apparatus for the purpose of balancing the rotor.

Since Obidniak and Minato are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a balancer in said rotary body so as to keep a balance with said permanent magnet apparatus as taught by Minato for the purpose discussed above.

Regarding claim 5, Obidniak shows a magnetic force rotating apparatus comprising:

- A rotatable rotary body (1);

- A permanent magnet apparatus in which a plurality of permanent magnets (2) are arranged so as to position one magnetic pole among mutually corresponding poles in an outer peripheral side of said rotary body and another magnetic pole in an inner peripheral side of said rotary body and arranged magnetic pole pairs of said respective magnet at a uniform interval in a circumferential direction with applying a substantially fixed angle of incline with respect to a radial line of said rotary body, said permanent magnet apparatus being provided along a circumference in an outer peripheral portion of said rotary body;
- Electromagnet means (5, 6) having two different magnetic poles so as to generate two different magnetic fields and provided so as to simultaneously apply a rotational energy in one direction in opposite to the magnetic field from said magnet apparatus; and
- A control unit (Figure 2) intermittently exciting the electromagnet means.

Obidniak does not show arranged magnetic pole pairs of said respective magnet (2) with a substantially fixed angle of incline with respect to a radial line of said rotary body.

Minato shows arranged magnetic pole pairs of said respective magnet (22, Figure 5) with a substantially fixed angle of incline with respect to a radial line of said rotary body for the purpose of improving efficiency.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to arrange magnetic pole pairs of said respective magnet

with a substantially fixed angle of incline with respect to a radial line of said rotary body as taught by Minato for the purpose discussed above.

Regarding claim 6, it is noted that Minato also shows a balancer provided in said rotary body in such a manner as to keep a balance with said permanent magnet apparatus.

Regarding claim 7, it is noted that Obidniak also shows said permanent magnet apparatus being structured such that a plurality of permanent magnets (2) are arranged at a substantially uniform interval in a circumferential direction so that one magnetic pole (N) among the mutually corresponding magnetic poles is positioned in one side surface portion of said rotary body so as to be directed to a rotational direction and another magnetic pole (S) is positioned in another side surface portion of said rotary body so as to be directed to an inverse rotational direction, and said electromagnet means is provided so as to be opposed to the magnetic field output from said magnet apparatus.

Information on How to Contact USPTO

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
August 27, 2002

DL

Samy Lb